

**In The Matter of:**

*Nevada State Board of Cosmetology*

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*February 5, 2006*

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*Associated Reporters of Nevada  
Certified Court Reporters  
2300 W. Sahara Avenue  
Suite 770  
Las Vegas, NV 89102  
(702) 382-8778    FAX: (702) 382-2050*

**Word Index Included**

NEVADA STATE BOARD OF COSMETOLOGY

CLARK COUNTY, NEVADA

MEETING OF THE BOARD, )

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Sunday, February 5, 2006. )

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Taken on Sunday, February 5, 2006

at 2:00 p.m.

at 1785 East Sahara Avenue, Suite 255

Las Vegas, Nevada

REPORTED BY: ELLEN L. FORD, RPR, CCR #846

1 APPEARANCES:

2  
3 Before:

4 E. LAVONNE LEWIS,  
5 Chairwoman  
6

7 Board Members:

8 LINDA ZESIGER  
9 LARRY WALTHERS  
10 BONNIE SCHULTZ  
11 ALEX LEEDER  
12

13 Staff:

14 LISA COOPER,  
15 Executive Director

16 GLORIA ALEXANDER,  
17 Office Manager

18 DEBBIE BLASKO,  
19 Bookkeeper

20 GWEN BELL,  
21 Testing Administrator

22 SUSAN PADILLA,  
23 Inspector Level 2  
24  
25

1 APPEARANCES: (continued)

2  
3 Office of the Attorney General:

4 JESSE WADHAMS,

5 Deputy Attorney General

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1 CHAIRWOMAN LEWIS: Good afternoon.

2 This meeting is called to order. It is a meeting  
3 to review the proposed regulations pertaining to  
4 Chapter 644 of the Nevada Administrative Code. It  
5 has been posted in accordance with the Nevada  
6 Revised Statutes and you will attest to that?

7 MS. COOPER: I will attest to that.

8 CHAIRWOMAN LEWIS: Thank you, very  
9 much. So we're here to have a workshop and to  
10 solicit comments from interested persons regarding  
11 these regulations. Does everybody have a copy?

12 MS. COOPER: While we're passing those  
13 out, we'll have role call.

14 MS. SCHULTZ: Bonnie Schultz present.

15 MR. WALTHERS: Larry Walthers present.

16 MS. ZESIGER: Linda Zesiger present.

17 MR. LEEDER: Alex Leeder present.

18 CHAIRWOMAN LEWIS: And we want to  
19 welcome Alex to his first participation with the  
20 Nevada State Board of Cosmetology. We are really  
21 happy to have you.

22 MR. LEEDER: Thank you, Miss Lewis.

23 CHAIRWOMAN LEWIS: Do you want to tell  
24 us a little about yourself? That's not on the  
25 agenda.

1 MR. LEEDER: I'm an esthetician from Reno.  
2 I own my own shop there. You're always welcome to  
3 come up and visit any time.

4 CHAIRWOMAN LEWIS: Thank you.

5 MR. LEEDER: My pleasure.

6 CHAIRWOMAN LEWIS: Let's start with the  
7 revisions. the first revision we want to review  
8 and, we're going to go through these very quickly,  
9 so unless somebody. Please, as we go down these,  
10 if you have a comment about them, will you please  
11 just raise it? Otherwise, we will go ahead.  
12 Because we have worked through these a few times  
13 before at some of other meetings.

14 So Amendment of NAC 644.037,  
15 Cosmetological Establishment supervised by a Licensed  
16 Person. Do you have any comments on that?

17 MS. COOPER: I want to add the adjustment  
18 after, "or a person licensed in each branch of  
19 cosmetology practiced in the establishment at the  
20 time of service."

21 CHAIRWOMAN LEWIS: Where are you  
22 adding that? Where do you want to add that?

23 MS. COOPER: "More than one branch of  
24 cosmetology is practiced, the establishment must at  
25 all times be under the immediate supervision of the

1 licensed cosmetologist or a person licensed in the  
2 branch of cosmetology practiced in the  
3 establishment at the time of service."

4 CHAIRWOMAN LEWIS: Instead of, "in each  
5 branch," you want that to be, "in the branch?"

6 MS. COOPER: "In each branch of  
7 cosmetology practiced in the establishment at the  
8 time of service." I just want to add, "at the time  
9 of service," to that section.

10 CHAIRWOMAN LEWIS: Okay. Does anybody  
11 have any comment about that? All right.

12 MR. LEEDER: Mrs. Chairman, I did want to  
13 add, however, that the first code that's being  
14 changed is actually the 644.017 just above that  
15 interpretation code that you just read. And that  
16 is also -- that's like missing from our cover  
17 sheet.

18 CHAIRWOMAN LEWIS: It is?

19 MR. LEEDER: So we just want to make a  
20 note that the public meeting documents do, in fact,  
21 reflect changes to 644.017.

22 CHAIRWOMAN LEWIS: Yes. And that's just  
23 a word change in terms of "secretary" to  
24 "director".

25 MR. LEEDER: That's right.

1 CHAIRWOMAN LEWIS: Okay. Thank you  
2 very much.

3 644.047.6, Instructors' Credit for Advanced  
4 Training, Continuing Education. Are there any comments  
5 on that? Okay.

6 AUDIENCE MEMBER: Is this the one for  
7 instructors' training?

8 CHAIRWOMAN LEWIS: Yes.

9 AUDIENCE MEMBER: This is not for the  
10 student instructors?

11 CHAIRWOMAN LEWIS: No, this is for  
12 advanced training.

13 MS. SCHULTZ: CEUs.

14 AUDIENCE MEMBER: Okay.

15 CHAIRWOMAN LEWIS: Next is 644.05.02,  
16 Application for Licensure as a cosmetologist, Hair  
17 Designer, esthetician, Proof of qualifications for  
18 the Examination. Any comments on that?

19 We still have social security number in there  
20 because the State requires it.

21 Application for Licensure as a demonstrator  
22 of Cosmetics. Any comments on that? Again, we're  
23 adding social security number.

24 Application for Licensure for Hair Designer.  
25 Any comments?



1           Licensure as a Manicurist.

2           Licensure as an Esthetician.

3           MS. COOPER: Manicurist, we were going to  
4 add, "may include but not limited to," to Number 5.

5           MR. LEEDER: At the beginning?

6           MS. SCHULTZ: You mean for the pedicures?

7           MS. COOPER: Right. We had discussed that  
8 in the last Board Meeting, so I just made sure we  
9 kept all of our notes going forward.

10          MS. SCHULTZ: If they add pedicures in  
11 there, they're going to have to have a model.

12          MS. COOPER: Right, they are going to have  
13 to have a model.

14          MS. SCHULTZ: The student would have to be  
15 notified in advance.

16          MS. COOPER: Correct. What we had said in  
17 the Board meeting was that we wanted to add, "may  
18 include," just in case if we wanted to so we're not  
19 limiting ourselves.

20          CHAIRWOMAN LEWIS: Number 5?

21          MS. COOPER: Number 5. "May include but  
22 not limited to performance of a pedicure on one  
23 foot." Because this change regulation as it stands  
24 would imply that we are going to perform a  
25 pedicure, yes, and we're not talking about that.

1 CHAIRWOMAN LEWIS: We did talk about  
2 that at the last meeting. Thank you for keeping us  
3 on task here. We were going to change that.

4 MS. COOPER: You're welcome.

5 CHAIRWOMAN LEWIS: Esthetician. License  
6 for Esthetician. Is there any issue on that?

7 MS. COOPER: No.

8 CHAIRWOMAN LEWIS: Cosmetologist, Open  
9 Examination.

10 MR. LEEDER: I have a couple of questions  
11 on this one. In the section 644.05.06, Number 2,  
12 the, "Chapter 644 of the NRS is followed by, and  
13 the regulations adopted pursuant thereto," you can  
14 see that language reflected in the next one, the  
15 .05.08, Number 2, and you can see that it should be  
16 reflected in the 644.051 Section 2 there. It  
17 should be followed by, "knowledge of the provisions  
18 of this chapter in Chapter 644 of NRS and the  
19 regulations adopted pursuant thereto," so the  
20 language is consistent is all. that's all that that  
21 is. It's a consistency of language.

22 And then Item Number 5 has been deleted.  
23 And just for the public's safety, I would like to still  
24 see that included. Cosmetologists are still going to  
25 work around the eye area and there's no other testing

1     that they know how to do that if that's -- if that's  
2     cut, if that's omitted.

3             MS. COOPER:   Currently we're not doing  
4     facial makeup.   Currently we don't do facial  
5     makeup.   The only thing we do is a mock tweeze.

6             MS. SCHULTZ:   Facial manipulations for  
7     cosmos.   They don't do any waxes around the  
8     eyebrows?

9             MS. COOPER:   A mock wax and a tweeze.

10            MS. SCHULTZ:   The Estaticians are, not  
11     cosmos.

12            MR. LEEDER:   And yet cosmetologists will  
13     be working around the eye area when they are  
14     licensed.   They should demonstrate a skill level.  
15     And so whether or not we delete facial makeup, we  
16     should retain a testing on arching of the eyebrow  
17     if, in fact, we're using wax, or we expect a  
18     cosmetologist to use wax.

19            MS. COOPER:   They use location.   They put  
20     the location on there.

21            MR. WALTHERS:   Can I intercede a little  
22     bit about that?   Because he's exactly right.  
23     Because there's been a job analysis done with  
24     cosmetology.   And as Nevada goes through their new  
25     rater training, there's going to be more on

1 facials. And so he has got a right, because there  
2 is going to be some stuff that will be done around  
3 the eye, and it's going to be with hot wax.

4 MS. COOPER: Okay.

5 CHAIRWOMAN LEWIS: So what we want to  
6 do then is leave that and change the numbers the  
7 rest of the way down.

8 MR. LEEDER: Right. I think the numbering  
9 would stay the same as they were.

10 CHAIRWOMAN LEWIS: What I mean --

11 MR. LEEDER: But I think we're only really  
12 deleting, "facial makeup and."

13 CHAIRWOMAN LEWIS: We'll delete facial  
14 makeup and leave in arching of the eyebrow.

15 MR. WALTHERS: It's going to be more on  
16 waxes in the new practical examination, but it's  
17 going to be State choice as to hard or hot.

18 MS. SCHULTZ: This says, "not limited to,"  
19 so we can add what we want to. So if you want to  
20 leave it as is, they don't have to test on it.

21 MR. LEEDER: It would be my preference  
22 that the safety issue be tested on.

23 MS. SCHULTZ: I understand.

24 CHAIRWOMAN LEWIS: Okay. Let me  
25 understand what we want to do here. We want to

1 leave in 5 in its entirety, or do we want to take 5  
2 and just begin with, "arching of the eyebrow?"

3 MS. SCHULTZ: It says, "Will include but  
4 is not limited to." So do you absolutely want  
5 facials or are you just absolutely wanting arching  
6 or both?

7 MR. LEEDER: I think primarily I'm  
8 concerned with the arching of the eyebrow.

9 MS. SCHULTZ: Okay.

10 CHAIRWOMAN LEWIS: So we will then leave  
11 in arching of the eyebrow.

12 And then the next one is 6, 7 and 8.

13 MR. LEEDER: Yes.

14 CHAIRWOMAN LEWIS: Okay. Next we have  
15 644.05.15. Examination for Licensure in  
16 Cosmetology. Examination in English, Spanish or  
17 Another Language.

18 And there we just have minor changes in  
19 terms of "director".

20 644.053. Written Examination, Proof of  
21 Required Training, et cetera. Do we have any comments?

22 MR. LEEDER: Mrs. Chairman, I have a  
23 question on that, as well. On Subsection 1,  
24 there's a C, and the C language is duplicated under  
25 Subsection 3. So it would be my suggestion to

1 delete C and retain the newly added Subsection 3  
2 because they're exactly the same.

3 CHAIRWOMAN LEWIS: Okay. Delete C under  
4 Subsection 1?

5 MR. LEEDER: Because it's repeated as  
6 Section 3.

7 CHAIRWOMAN LEWIS: Repeated as  
8 Section 3. You're correct, yes. Does everybody  
9 see that? Thank you. Any other comments on that  
10 issue? Okay.

11 644.05.32. Repealed.

12 644.05.34 is Repealed.

13 644.05.36 and the Amendment thereto. Any  
14 comments? Okay.

15 64.05.45.

16 MR. LEEDER: This is a significant change,  
17 so this is --

18 AUDIENCE MEMBER: That is a lot.

19 MR. LEEDER: Are there comments?

20 AUDIENCE MEMBER: How could they go from  
21 30 to 70? How about like not 30 to 50 or  
22 something?

23 AUDIENCE MEMBER: Mine says 50.

24 AUDIENCE MEMBER: Mine says 70.

25 MS. SCHULTZ: It's 70.

1 CHAIRWOMAN LEWIS: I think that was  
2 because --

3 MS. SCHULTZ: All the licenses went to 70.

4 CHAIRWOMAN LEWIS: -- all licenses went  
5 to 70.

6 MS. SCHULTZ: You guys is with the 70,  
7 also?

8 MR. LEEDER: I think it's consistent with  
9 across the Board, if that helps to answer some  
10 questions and relieve this business impact.

11 CHAIRWOMAN LEWIS: This one had been  
12 substantially less than the other licenses for a  
13 while, and that was the reason for the change, such  
14 a jump.

15 AUDIENCE MEMBER: That's more than a  
16 little.

17 CHAIRWOMAN LEWIS: Minimum  
18 requirements for space and accommodations. Minimum  
19 requirements for Equipment, 644.085.

20 MS. SCHULTZ: We were going to go through  
21 080. No, wait a minute. No.

22 MS. COOPER: No, 85, but --

23 MS. SCHULTZ: 070, I wanted to make a  
24 change in the Reno Board office address.

25 CHAIRWOMAN LEWIS: Right.

1 MS. SCHULTZ: As long as we're making  
2 changes, we might as well clarify the new address  
3 in Reno.

4 AUDIENCE MEMBER: We don't have that.

5 MS. COOPER: We're adding it.

6 CHAIRWOMAN LEWIS: It's from the regular  
7 book, 644.070. And the Reno office has a new  
8 address. So the new address will be included in  
9 the new regs, it's just an editorial change.

10 On 644.085 we had some.

11 MS. SCHULTZ: We reached a compromise.

12 CHAIRWOMAN LEWIS: We reached a  
13 compromise, right.

14 MS. SCHULTZ: We're taking out 40, Marcell  
15 Irons, and putting in 20, is that correct?

16 CHAIRWOMAN LEWIS: Yes.

17 MR. LEEDER: What's the item number?

18 MS. COOPER: C-1.

19 CHAIRWOMAN LEWIS: C-1, "curling irons  
20 as follows."

21 MS. SCHULTZ: Those are the oven irons.

22 MS. COOPER: It was going from 15 to 40,  
23 but at the last Board Meeting we discussed it, we  
24 didn't need 40, so we were going back and forth.  
25 and as a side note, they compromised at 20. So



1 it's now going to be changed to 20.

2 CHAIRWOMAN LEWIS: It's now going to be  
3 changed to 20. Any other comments on that?

4 644.095. Any comments on that change?

5 644.100. Any comments?

6 644.105. And we are proposing that we add  
7 at Item Number 9-(b), "received 700 hours of continuous  
8 instruction."

9 MS. SCHULTZ: "Of instruction." "700 hours  
10 of instruction in teaching methods." This is for  
11 your student teachers that are coming out of school  
12 and going right back in as teachers. It was 500  
13 for professionals, but for student teachers we're  
14 going to 700.

15 AUDIENCE MEMBER: So it used to be 1,000,  
16 so you're bringing it to 700?

17 MS. SCHULTZ: Right. Correct. Because  
18 there wasn't any hours listed in this.

19 AUDIENCE MEMBER: You're going to put  
20 700 in?

21 MS. SCHULTZ: Because there's not much  
22 difference in a year's experience and no  
23 experience, so we're just going up 200 hours on  
24 that.

25 AUDIENCE MEMBER: Are they having a

1 license now? Do they need to have a license?

2 MS. SCHULTZ: No, they're student  
3 instructors.

4 MS. COOPER: We do have a license for  
5 them, yes, we do.

6 AUDIENCE MEMBER: When we enrolled our  
7 last student instructor, our enrollment was  
8 accepted and there was no response. We never  
9 received a license or anything like that.

10 MS. COOPER: We don't even have any  
11 information on him. because I looked him up and I  
12 tried to pull his file and everything. We only  
13 have four current student instructors.

14 MS. SCHULTZ: I have one, but she doesn't  
15 have a license.

16 MS. COOPER: Did you submit it as a  
17 student instructor?

18 AUDIENCE MEMBER: And we have a -- we  
19 certified it now. We have a certification stamp  
20 that it was accepted.

21 MS. COOPER: I know for Rodney he was one  
22 that I wanted to look at.

23 AUDIENCE MEMBER: On our applications,  
24 what we put is we write up at the top, "student  
25 instructor."

1 MS. COOPER: Right.

2 AUDIENCE MEMBER: We do have a copy of  
3 that in his file.

4 MS. SCHULTZ: I've only been submitting a  
5 registration form for them.

6 AUDIENCE MEMBER: Exactly.

7 MS. COOPER: But you're filling out the  
8 application, too, with the two pictures?

9 MS. SCHULTZ: No, not for a student.

10 AUDIENCE MEMBER: That's the provisional.

11 MS. COOPER: Because student instructors  
12 are \$40. Their fee is \$40, and they do get the \$10  
13 student enrollment fee. And we are requiring -- or  
14 requesting that you send in the allocation and mark  
15 student instructor. We're still formatting the  
16 actual application, and a new application will be  
17 out probably in the next two weeks.

18 MS. SCHULTZ: We need to be notified. We  
19 can't do that if we don't know.

20 MS. COOPER: Yeah, I completely understand  
21 that. But what we can do is, because we do have a  
22 student license instructor that will come out like  
23 this, and it will say -- it says, "student  
24 instructor," on it.

25 AUDIENCE MEMBER: And your other one

1 says "provisional" on it. What do you want us to  
2 do with him and Bonnie's?

3 MS. COOPER: The other three or the other  
4 four that we have in our State do have their  
5 instructor's license, so we'll check with both of  
6 you in our files and see what we have on file.  
7 Once we get all of that stuff put together, then  
8 we'll go ahead and get the rest of it. But we can  
9 get them their license out.

10 MS. SCHULTZ: Mine says Darlene Scott, and  
11 I did submit it. And you submitted?

12 AUDIENCE MEMBER: We submitted the way  
13 before when he came in. We did it right along with  
14 our regular students. We send a cover letter along  
15 with it.

16 MS. COOPER: Right. Rodney's been there  
17 for longer than I know of.

18 AUDIENCE MEMBER: Rodney's been trying  
19 to be licensed for longer that you know of, also.  
20 It's not his fault.

21 MS. COOPER: I know. I know what's going  
22 on with Rodney.

23 AUDIENCE MEMBER: Okay. Could you run  
24 this by again? We're going to take on a student  
25 instructor now. They have to go just like the

1 provisional before the Board with the \$40, or the  
2 school does that?

3 MS. COOPER: The student will send in an  
4 application like they do for the PIL with the \$40  
5 and the \$10 for the enrollment fee.

6 MS. SCHULTZ: And the proof of high school  
7 graduation.

8 MS. COOPER: They'll fill out exactly like  
9 a PIL, exactly.

10 AUDIENCE MEMBER: Then the only difference  
11 is they are not paid where the PLI is paid, is that  
12 correct?

13 MS. SCHULTZ: Can be paid.

14 AUDIENCE MEMBER: Can be paid if they  
15 choose to.

16 MS. COOPER: But yes, we can get them out  
17 a real license that says, "student instructor".

18 AUDIENCE MEMBER: Okay. We would like  
19 that. So we'll just be all -- and then this young  
20 man then will be able to test at 700 hours plus his  
21 year of experience, is it?

22 MS. COOPER: He doesn't need a year  
23 because he went right back in.

24 AUDIENCE MEMBER: As of now, all he needs  
25 is to complete his 700 hours and then we complete a

1 paper?

2 MS. COOPER: Correct.

3 AUDIENCE MEMBER: Is there any stipulation  
4 on how those 700 hours are spent? Because I know  
5 before, we had obtained something from the Board  
6 breaking down the areas in which that 1,000 hours  
7 was put into effect so that he would do 100 hours  
8 of theory, class, teaching, 100 hours of how to  
9 teach a group dynamically. For example. I don't  
10 know exactly what they are.

11 But before, from the Board years and years  
12 ago, we had an old copy of how we were supposed to be  
13 breaking those hours down, how many hours they were  
14 supposed to be spending in each one of those  
15 categories.

16 Now that we're switching it to 700 hours, is  
17 there a stipulation -- I did find one in the law book,  
18 but it didn't match up with 1,000 hours at all.

19 This was a couple months ago when I was  
20 doing research for Rodney trying to find out where did  
21 we get this paperwork.

22 Of course, Sandy got it from the Board years  
23 and years ago, but I went back into the law book and I  
24 saw there was like 7 different criteria, different  
25 areas of study that the student instructor had to be

1 in. But as far as the breakdown, we just received that  
2 from the Board years and years and years ago. So when  
3 we would send in the completion paper, that's -- we  
4 knew how to put those 1,000 hours away for him.

5 Now that it's 700, I don't know what his  
6 completion paper is supposed to look like.

7 MR. LEEDER: On your Section .123 at  
8 644.123, it breaks it down according to what  
9 general themes, but not appropriate to the number  
10 of hours.

11 AUDIENCE MEMBER: Right. That's what I  
12 found there was the 6.

13 MS. SCHULTZ: We don't want appropriate  
14 hours. Because some of them are going to take  
15 longer to learn how to do visual aid, some are  
16 going to learn how to do their curriculums. It's  
17 going took take them harder.

18 AUDIENCE MEMBER: When I send in the  
19 completion paper, I should be able to leave -- or  
20 just have the 7 different categories and then at  
21 the very bottom where it says total just put 700  
22 hours.

23 MS. SCHULTZ: Correct. Because all of  
24 them are going to work at a different pace on each  
25 individual project.

1 AUDIENCE MEMBER: So there's no specifics.  
2 We do have a time card, but we could if we chose to  
3 break those hours, too.

4 MS. SCHULTZ: I think you can just use  
5 those that we have for provisional and just add  
6 some hours to them.

7 AUDIENCE MEMBER: Okay.

8 CHAIRWOMAN LEWIS: We will ask our  
9 Executive Director to follow up and pursue whether  
10 or not we need to designate a number of hours in  
11 each category.

12 AUDIENCE MEMBER: Thank you. What are  
13 the hours for each discipline? It's 700 for  
14 cosmetology. What is it for esthetics or --

15 CHAIRWOMAN LEWIS: They're all the same.

16 MS. SCHULTZ: Teaching is teaching, it has  
17 nothing to do with esthetics or cosmetology.

18 AUDIENCE MEMBER: Why is it that PILs are  
19 200 or 350 or 500?

20 MS. SCHULTZ: They are not anymore.  
21 Everybody is at 500 for provisional. Because  
22 they're learning how to teach, they're not learning  
23 the trade anymore. They already know that, they're  
24 just learning how to teach.

25 AUDIENCE MEMBER: Right. That was always



1 a question in my mind. It didn't make sense, but  
2 that's the way it was so I was just clarifying.

3 MS. SCHULTZ: That's why we changed that  
4 now.

5 AUDIENCE MEMBER: What about hair  
6 designers?

7 MS. SCHULTZ: Same.

8 AUDIENCE MEMBER: Hair designers can  
9 become instructors?

10 MS. SCHULTZ: Correct. But I don't think  
11 we need to set up any hours specifically, just the  
12 criteria we have for provisionals' works.

13 CHAIRWOMAN LEWIS: Then that may be  
14 the recommendation that comes back that we don't  
15 need to do that.

16 MS. COOPER: Yup.

17 CHAIRWOMAN LEWIS: Time records.

18 644.110.

19 644.117. That was "shall" and we changed  
20 that to "must".

21 644.123.

22 644.124.

23 MS. SCHULTZ: You're right there on 123.

24 CHAIRWOMAN LEWIS: It gives the  
25 curriculum, it just doesn't have the hours.

1 MS. SCHULTZ: That's all you need is a  
2 curriculum. You don't need hours because they're  
3 all going to --

4 AUDIENCE MEMBER: Just as long as they've  
5 clocked a total of 700 and it can be proved on  
6 their time cards that they did 700.

7 MS. SCHULTZ: Right. Because  
8 professionals are like that now, we just set the  
9 hours for them. Each individual is different.  
10 Don't you think? I do.

11 CHAIRWOMAN LEWIS: 644.124.  
12 644.140.

13 MS. COOPER: Repealed.

14 CHAIRWOMAN LEWIS: It was repealed.  
15 6441.45.

16 AUDIENCE MEMBER: Is that back -- I'm  
17 sorry. It's all scratched out.

18 MS. COOPER: It's repealed.

19 AUDIENCE MEMBER: So we can retail if we  
20 chose to?

21 MR. LEEDER: Yes.

22 CHAIRWOMAN LEWIS: Yes.

23 AUDIENCE MEMBER: Okay.

24 CHAIRWOMAN LEWIS: 6441.45.  
25 644.151.

1 MS. COOPER: Is this one that we were  
2 going to add the copy of their license to, of their  
3 current license? Or wait a minute.

4 CHAIRWOMAN LEWIS: No, this is just an  
5 apprentice.

6 MS. COOPER: Okay.

7 CHAIRWOMAN LEWIS: 644.154.

8 644.164.

9 644.205.

10 MR. LEEDER: I did have a quick question  
11 on this one. So they don't need to be  
12 individual-use needles on Section 2? I notice it  
13 says, "disposable if possible". So I presume that  
14 those can be sterilized.

15 CHAIRWOMAN LEWIS: Yes. That was the  
16 discussion on that. If they were -- if they would  
17 then have to be sterilized. Because they have to  
18 have a container to immerse those in.

19 644.215.

20 MR. LEEDER: I think that there's a  
21 formatting question here or clarification. Because  
22 we're striking the first two sections, one and two,  
23 and we're picking up with another Number One,  
24 realistically, 1 through 6 would all be bold,  
25 because those wouldn't have been part of that

1 original section. So that's just a formatting  
2 clarification there.

3 CHAIRWOMAN LEWIS: That is correct. We  
4 struck one and two and added all of others. So all  
5 of that should be bolded. That's all added.

6 AUDIENCE MEMBER: I also have a question  
7 about registering students with the Board. We're  
8 getting conflicting information about whether -- I  
9 know that the students -- it's -- the wording is,  
10 "the students must register for the written exam  
11 while in school."

12 And we're having some students say no, I  
13 don't want to. But the language says that, "they  
14 must."

15 So how do we go about a student that's  
16 graduated that wants to -- now wants to apply from  
17 their exam?

18 MS. SCHULTZ: Or hasn't paid for their  
19 schooling. You're not going to release those  
20 hours.

21 AUDIENCE MEMBER: So we're not going to  
22 have them go take that written exam.

23 MS. SCHULTZ: So it might be a may, or  
24 should.

25 AUDIENCE MEMBER: Yeah.

1 MR. LEEDER: Do you know where that says  
2 "must"?

3 AUDIENCE MEMBER: In the State Board  
4 paperwork that was sent out regarding the written  
5 exam.

6 MR. LEEDER: And what was it?

7 MS. COOPER: It's our test. It not a law,  
8 it's not a reg.

9 AUDIENCE MEMBER: I just had a question  
10 about that. So that's okay. If they don't want to  
11 take the written, they're just going to study for  
12 six more months and make sure they have their  
13 application and they're on their own kind of  
14 situation.

15 MS. COOPER: Yes.

16 MS. BELL: Yes.

17 CHAIRWOMAN LEWIS: 644.220.

18 644.240. That's amended.

19 644.255.

20 644.295. 644.307.

21 MR. LEEDER: I have a point of  
22 clarification on this. On Number 2-D, the  
23 activities, we're discussing leasing of space  
24 within an establishment or within a premise.

25 And the most common for lease space would

1 be to a licensed massage therapist.

2 So while the language says, "including but not  
3 limited to tattooing and body piercing," I would prefer  
4 that we also include, "and licensed massage therapy,"  
5 because it is one of the more common type of person or  
6 business that would be leasing.

7 CHAIRWOMAN LEWIS: Does anybody have  
8 any comments about that?

9 MS. SCHULTZ: No. I agree.

10 CHAIRWOMAN LEWIS: Okay. So we will add  
11 that as, "being used for activities that are not  
12 under the jurisdiction of the Board, including but  
13 not limited to tattooing, body piercing and  
14 licensed massage therapists."

15 MR. LEEDER: Thank you.

16 CHAIRWOMAN LEWIS: Yes. 644.308.

17 644.370.

18 644.385.

19 MR. LEEDER: I have another point. Just a  
20 quick point here. Prior approval has been given to  
21 the Board -- it's in the 3rd line. Would we like  
22 to establish whether that's written or oral?

23 CHAIRWOMAN LEWIS: Probably written.

24 MS. COOPER: It is written.

25 CHAIRWOMAN LEWIS: We need to put

1 "written" in there.

2 MR. LEEDER: "Prior written approval."

3 CHAIRWOMAN LEWIS: "Prior written  
4 approval," yes.

5 MS. COOPER: And real quick, in one of our  
6 former earlier Board meetings we had discussed a  
7 list of charities that we do have. And --

8 MS. SCHULTZ: You can't find it.

9 MS. COOPER: -- nobody has a list. We  
10 have searched our databases, we have searched our  
11 individual computers.

12 MS. SCHULTZ: We can make one up.

13 MS. COOPER: We can make one up on the  
14 side. We don't need to set that up today.

15 MS. SCHULTZ: No, you can work that.

16 MS. COOPER: Very good. We'll work it,  
17 and we'll get a list together of charitable  
18 contributions. If anybody has a charitable  
19 contribution --

20 MS. SCHULTZ: The major ones. The other  
21 ones they can get approved in writing.

22 MS. COOPER: Okay. Very good. If you  
23 have a favorite, let us know.

24 CHAIRWOMAN LEWIS: Certainly, you should  
25 give us the ones that you're presently doing that

1 for.

2 MS. SCHULTZ: The Heart Association,  
3 cancer, AIDS; all those.

4 MR. WALTHERS: Homeless.

5 CHAIRWOMAN LEWIS: Other shelters. So  
6 those are the ones that were probably the most  
7 popular.

8 MS. COOPER: Okay.

9 CHAIRWOMAN LEWIS: 644.460.

10 644.465.

11 644.470.

12 MR. LEEDER: I have a question on this  
13 one, too. On your Section 4, we have (a), (b), and  
14 under (b) we have 1 and 2.

15 My question is, if our Executive Director  
16 refers a case to the Attorney General, I just want to  
17 kind of maybe understand it for myself. Is it because  
18 it's beyond the scope of our Board that you would be  
19 referring that, or is it because they've come before  
20 our Board and now we're not able to accommodate them  
21 well enough?

22 CHAIRWOMAN LEWIS: It's probably outside  
23 of our jurisdiction. And in that case, it would be  
24 referred to the -- for instance, if it's a  
25 complaint against a message parlor, it would be



1 referred to the Attorney General.

2 MR. LEEDER: So do we need to say anything  
3 like that or it's assumed in that language?

4 CHAIRWOMAN LEWIS: I think it's assumed  
5 in that language already.

6 MR. LEEDER: Okay. Great.

7 CHAIRWOMAN LEWIS: 644.480.

8 644.482.

9 644.485.

10 MR. LEEDER: I have a concern on Section 2  
11 that the Executive Director may waive this time  
12 requirement. Maybe I could just ask, like under --  
13 do you kind of have an idea of what circumstance  
14 might allow or encourage you or prompt you to waive  
15 that?

16 MS. SCHULTZ: Katrina was one of them.

17 MR. LEEDER: Hurricane Katrina?

18 MS. COOPER: Yeah. We had a special  
19 meeting for that. It's an emergency basis only.

20 MR. LEEDER: Okay. I'm concerned that  
21 someone might assume that it was arbitrary. That  
22 the election to waive for one person was  
23 arbitrarily decided, and I don't want to have that  
24 confusion. So you don't anticipate that happening?

25 MS. COOPER: No.

1 MR. WALTHERS: Never again.

2 MR. LEEDER: Okay.

3 CHAIRWOMAN LEWIS: 644.490.

4 644.495.

5 644.535.

6 MR. LEEDER: And that's the one that we're  
7 adding Item 5 to?

8 CHAIRWOMAN LEWIS: Yes.

9 MR. LEEDER: I thought that that was  
10 essential language. I thought that was very good  
11 to have that in, particularly the second sentence  
12 there.

13 CHAIRWOMAN LEWIS: Yes. 644.700.  
14 Schedule of Fines.

15 MR. LEEDER: I want to double check on --  
16 it's in the second group, "the cosmetologist or  
17 other licensed natural person." The 4th one down,  
18 "the failure to display license at position of  
19 work."

20 I want to be real clear on this. That if the  
21 establishment is not displaying the licenses properly,  
22 is the individual licensee going to be paying that  
23 fine?

24 CHAIRWOMAN LEWIS: The establishment.

25 MR. LEEDER: The establishment pays that

1 fine. But yet the individual licensee is not  
2 hanging their license in the appropriate place, so  
3 they would be subject to a citation, too.

4 CHAIRWOMAN LEWIS: Yes.

5 MR. LEEDER: So it's an establishment  
6 fine, first offense fine, but does the licensee  
7 receive a citation? Because the license is not  
8 hung in the proper place if the establishment is  
9 being fined for it.

10 MS. ZESIGER: If they have a license.

11 MR. LEEDER: Do you see what I'm saying?  
12 It's a two-part problem. You have an establishment  
13 violating the regulation, but in the fact that the  
14 establishment is, then the licensee is now also in  
15 violation of it.

16 MS. SCHULTZ: I think it's the wording  
17 because it pertains to both.

18 MR. LEEDER: Well, if it pertains to both  
19 then both are going to be fined.

20 MS. SCHULTZ: No. It pertains to the  
21 business as the business license is supposed to, or  
22 the individual as the individual's license is  
23 supposed to.

24 CHAIRWOMAN LEWIS: This fine applies to  
25 the individual. It says, "cosmetologist or other

1 licensed natural person."

2 MR. LEEDER: That's right.

3 CHAIRWOMAN LEWIS: So this fine refers to  
4 the individual.

5 MR. LEEDER: Thank you. So if as an  
6 employer or as an establishment, if it is my policy  
7 to put all my licenses at my front door, then I'm  
8 victimizing my licensees with my own policy.

9 So what assurance does the licensee have  
10 that the establishment is hanging their licenses in the  
11 proper place in order for the licensee not to be paying  
12 this penalty?

13 MS. ZESIGER: That would be their  
14 responsibility.

15 MR. LEEDER: That's right.

16 MS. COOPER: The individual is responsible  
17 for their own license at all times.

18 CHAIRWOMAN LEWIS: Even though the  
19 establishment is hanging it in the front, they need  
20 to hang it --

21 MS. SCHULTZ: That's the law. It must be  
22 posted at their work station in plain view of the  
23 public.

24 MR. LEEDER: Yes, it must. So just to be  
25 real clear, potentially both people are cited, both

1 the establishment and licensee when the license  
2 does not -- when it's not displayed --

3 CHAIRWOMAN LEWIS: Properly displayed.

4 MR. LEEDER: -- at the position of work.  
5 Both the establishment and the licensee would be  
6 subject to a penalty and fine.

7 MS. SCHULTZ: No, just the individual.

8 CHAIRWOMAN LEWIS: Just the  
9 cosmetologist.

10 MS. COOPER: If the individual is cited  
11 for not having their license at their work station.  
12 If an establishment doesn't have their license  
13 posted, they are cited.

14 If the employee's license has lapsed from the  
15 renewal, the person, the individual and the salon is  
16 cited.

17 CHAIRWOMAN LEWIS: I don't think that's  
18 his question, though. I think --

19 MS. COOPER: That's where he was going,  
20 though, with the double citation. That's the time  
21 that they get the double citation is when it's  
22 lapsed and the employer is still letting them work.  
23 The establishment is still letting them work.

24 MS. SCHULTZ: Or if they haven't got their  
25 licensed posted, that's an unlicensed person

1 working in your establishment, so you would get  
2 cited for that.

3 MR. LEEDER: I just want to make sure that  
4 the licensee realizes that they are -- that the  
5 establishment can have -- can ask to have all the  
6 licenses posted at the front door, but the licensee  
7 needs to be able to step up and say no, my license  
8 needs to be displayed where I'm working in order to  
9 avoid the individual penalty.

10 MS. SCHULTZ: And they should be taught  
11 that in school. That's the law.

12 MR. LEEDER: That's right. Okay.

13 MS. COOPER: Okay.

14 CHAIRWOMAN LEWIS: Any other comments?

15 AUDIENCE MEMBER: On the failure to employ  
16 licensed persons, if there was -- if they were  
17 having, say, more than one person in there that was  
18 unlicensed, would that be per person for the  
19 establishment? The fine would be per person,  
20 correct?

21 MS. SCHULTZ: Per person.

22 CHAIRWOMAN LEWIS: Yes.

23 MR. WALTHERS: Yes.

24 CHAIRWOMAN LEWIS: We're going to add  
25 that in the wording, too, just to be sure.

1 MS. SCHULTZ: The fines went up to 2,000,  
2 didn't they?

3 MS. COOPER: 3rd offense is 2,000.

4 MS. SCHULTZ: Okay. We'll add, "per  
5 person."

6 MR. WADHAMS: I would actually say you  
7 don't need to add, "per person," because in theory,  
8 if you did -- if the cosmetological establishment  
9 had, say, four or five people, that would be one  
10 offense, two offense, then you've already started  
11 into the more extensive. I don't think you need to  
12 say, "per person."

13 CHAIRWOMAN LEWIS: You're saying if they  
14 had two, they would be fined 1,500.

15 MR. WADHAMS: Now, that's one offense, two  
16 offense. I think that's -- that logically follows  
17 that it would be hey, you've got four offenses  
18 right there. You're in a lot of trouble.

19 MS. COOPER: Right.

20 CHAIRWOMAN LEWIS: So the maximum  
21 would be 2,000 then.

22 MR. WADHAMS: If they had four or five, it  
23 would go into the major, and then they would be  
24 before the Board arguing their case.

25 CHAIRWOMAN LEWIS: Okay. Chapter 644.

1 Is there anything else?

2 MS. SCHULTZ: No.

3 AUDIENCE MEMBER: Can I ask one more  
4 question on this before we go on?

5 CHAIRWOMAN LEWIS: Yes.

6 AUDIENCE MEMBER: I want to make sure  
7 this is right. The altering from a license has  
8 gone from 100 to 1,000?

9 CHAIRWOMAN LEWIS: Yes.

10 MR. LEEDER: That should never occur.  
11 Even \$1,000 is too little if someone were to have  
12 done that. It's the most egregious thing that  
13 someone can do.

14 AUDIENCE MEMBER: You're saying putting  
15 someone else's name or --

16 MR. LEEDER: Or putting someone else's  
17 photo over another one. It's the most egregious  
18 thing.

19 CHAIRWOMAN LEWIS: And that is the reason  
20 for the tremendous increase. We felt that was a  
21 severe violation.

22 MR. WADHAMS: It's committing fraud.

23 CHAIRWOMAN LEWIS: Right. It's  
24 committing fraud.

25 AUDIENCE MEMBER: I think the addresses



1 where people were known to have whiting them out,  
2 that was altering license for a different reason,  
3 not because it wasn't the person using the license.  
4 Okay. I can see fraudulent license, I agree.  
5 Okay.

6 MS. COOPER: Just for a little  
7 clarification, even if, for example, there was  
8 somebody that I saw that had changed their own  
9 picture, they took -- they took an exacto knife and  
10 took out their own picture, that was a something,  
11 too.

12 Get your new picture for \$25 if it's that bad  
13 if you want a new one. It's like altering your  
14 driver's license.

15 AUDIENCE MEMBER: That's a good point.  
16 Yes. I have to make sure they understand that when  
17 we teach law.

18 CHAIRWOMAN LEWIS: Chapter 644 of the  
19 NAC. That's a Resort Bill. Regulations. Any  
20 comments? Any comments on the regs?

21 MR. WALTHERS: Do we have to vote on this  
22 one? Because it says "adoption" on it.

23 CHAIRWOMAN LEWIS: I don't think we  
24 really need to vote on it.

25 MR. WADHAMS: This is a workshop. We'll

1 adopt it at a following meeting.

2 MR. WALTHERS: Okay.

3 MR. WADHAMS: This is to get the folks'  
4 comments on it.

5 MR. WALTHERS: I just don't like it.

6 MS. SCHULTZ: I don't either. That's for  
7 the convenience of two or three people and that's  
8 about it.

9 MS. COOPER: Exactly, and we're getting  
10 \$100 off each one.

11 MR. WALTHERS: Yeah, big deal.

12 CHAIRWOMAN LEWIS: Any other comments?  
13 Any other questions or comments?

14 AUDIENCE MEMBER: I'm clear. I'm sure I'm  
15 clear. 700 hours per student instructor. And is  
16 you're provisional five or is it seven?

17 MS. SCHULTZ: It's five.

18 AUDIENCE MEMBER: Provisional is five.  
19 All student instructors are 7.

20 MS. SCHULTZ: They only need five whether  
21 they're manicurists or whatever.

22 AUDIENCE MEMBER: We don't need a year  
23 of experience. And when they're done, we put the  
24 final card with it, staple it, and somebody is  
25 going to get us out the license applications.

1 MS. SCHULTZ: Professionals still need one  
2 year.

3 AUDIENCE MEMBER: Okay. Students.

4 MS. SCHULTZ: Students don't need any work  
5 experience, professionals need one year.

6 AUDIENCE MEMBER: But the student doesn't  
7 because they have gone back to school and taken up  
8 for 700 hours. Gotcha. I think I'm clear. I'll  
9 call if I need help.

10 MS. SCHULTZ: Lisa's going to send us out  
11 a thing for each school telling us what we need to  
12 submit.

13 CHAIRWOMAN LEWIS: Any other questions  
14 or comments?

15 MS. SCHULTZ: I make a motion to adjourn.

16 CHAIRWOMAN LEWIS: Is there a second to  
17 the motion to adjourn?

18 MR. WALTHERS: I'll second.

19 CHAIRWOMAN LEWIS: All in favor?

20 (Ayes.)

21 CHAIRWOMAN LEWIS: Thank you.

22  
23 (Thereupon, the proceedings  
24 concluded at 2:50 p.m.)  
25

1                    CERTIFICATE OF REPORTER  
2       STATE OF NEVADA        )  
3                                )       ss:  
4       COUNTY OF CLARK        )

5                    I, ELLEN L. FORD, a duly commissioned Notary  
6       Public, Clark County, State of Nevada, do hereby  
7       certify: That I reported the proceedings commencing on  
8       Sunday, February 5, 2006 at 2:00 p.m.

9                    That I thereafter transcribed my said  
10       shorthand notes into typewriting and that the  
11       typewritten transcript is a complete, true and accurate  
12       transcription of my said shorthand notes.

13                   I further certify that I am not a relative or  
14       employee of counsel of any of the parties, nor a  
15       relative or employee of the parties involved in said  
16       action, nor a person financially interested in the  
17       action.

18                   IN WITNESS WHEREOF, I have set my hand in my  
19       office in the County of Clark, State of Nevada, this  
20       17th day of February, 2006.

21  
22                   \_\_\_\_\_  
23                   ELLEN L. FORD, RPR, CCR  
24  
25